

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFFREY MARSHALL,

Plaintiff,

v.

CASTRO, et al.,

Defendants.

No. 2:04-CV-01657-AK

ORDER

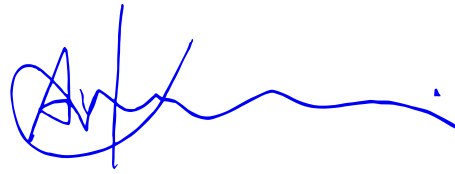
Marshall filed an opposed motion (docket entry 201) to amend the October 7, 2009 Pretrial Order (docket entry 156, as amended by docket entry 196). He claims that the current Pretrial Order precludes him from introducing newly discovered evidence he considers important to his case. After reviewing the parties' submissions, I find that it would be manifestly unjust to deny Marshall the opportunity to present such evidence. See Fed. R. Civ. P. 16(e); Hoffman v. Tonnemacher, 593 F.3d 908, 913 (9th Cir. 2010). It would be pointless to have reopened discovery in my September 14, 2010 order (docket entry 196), yet not allow Marshall to introduce new evidence in support of his claims.

The parties shall meet and confer within the next seven days to propose a schedule for submitting new pretrial statements and for holding a pretrial conference no earlier than June 27, 2011. The trial scheduled for April 26, 2011 is continued until

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a date to be determined at the pretrial conference.

April 5, 2011

A handwritten signature in blue ink, appearing to read 'Alex Kozinski', with a long, wavy horizontal stroke extending to the right.

ALEX KOZINSKI
Chief Circuit Judge
Sitting by designation